

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 31 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JASPREET SINGH KANG,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 06-73031

Agency No. A097-583-235

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 29, 2009^{**}

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Jaspreet Singh Kang, a native and citizen of India, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum, withholding of removal, and

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence adverse credibility findings, *Singh v. Ashcroft*, 367 F.3d 1139, 1143 (9th Cir. 2004), and we deny the petition for review.

Substantial evidence supports the agency’s adverse credibility determination based upon Kang’s inconsistent testimony regarding his father’s political party affiliation, as well as Kang’s lack of political knowledge despite his testimony that he was actively involved in Sikh politics. *See id.* Absent credible testimony, Kang’s asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because Kang’s CAT claim is based on the same evidence the agency deemed not credible, and Kang points to no additional evidence the agency should have considered regarding the likelihood of torture if he is removed to India, we deny the petition as to the CAT claim. *See id.* at 1157.

We grant Tsz-Hai Huang’s motion to substitute counsel. The record shall reflect that Kang’s attorney of record is Hardeep Singh Rai.

PETITION FOR REVIEW DENIED.